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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2013-646

12 **CAROL JEANNE BABCOCK**
613 Lowe St.
13 Redding, California 96001

A C C U S A T I O N

14 **Registered Nurse License No. 442853**

15 Respondent.

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18 Louise R. Bailey, M.Ed., R.N. ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this Accusation solely in her official capacity as the Executive
21 Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

22 **Registered Nurse License**

23 2. On or about August 31, 1989, the Board issued Registered Nurse License
24 Number 442853 to Carol Jeanne Babcock ("Respondent"). The registered nurse license was in
25 full force and effect at all times until it expired on June 30, 2011.

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JURISDICTION

3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

4. Code section 118, subdivision (b), provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued, or reinstated.

5. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

STATUTORY PROVISIONS

6. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct. . . .

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

7. Code section 2762 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do the following:

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof.

1 8. Code section 4022 states:

2 "Dangerous drug" or "dangerous device" means any drug or device unsafe for
3 self-use in humans or animals, and includes the following:

4 (a) Any drug that bears the legend: "Caution: federal law prohibits dispensing
5 without prescription," "Rx only," or words of similar import.

6 (b) Any device that bears the statement: "Caution: federal law restricts this
7 device to sale by or on the order of a _____," "Rx only," or words of similar import,
8 the blank to be filled in with the designation of the practitioner licensed to use or
9 order use of the device.

10 (c) Any other drug or device that by federal or state law can be lawfully
11 dispensed only on prescription or furnished pursuant to Section 4006.

12 **COST RECOVERY**

13 9. Code section 125.3 provides, in pertinent part, that the Board may request the
14 administrative law judge to direct a licentiate found to have committed a violation or violations of
15 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
16 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
17 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
18 included in a stipulated settlement.

19 10. **DRUG**

20 "Ativan" is a trade name for lorazepam, a Schedule IV controlled substance as defined by
21 Health and Safety Code section 11057, subdivision (d)(16), and is a dangerous drug pursuant to
22 Code section 4022.

23 "Celexa" is a trade name for citalopram, a dangerous drug pursuant to Code section 4022.

24 "Lexapro" is a trade name for escitalopram, a dangerous drug pursuant to Code section
25 4022.

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1 FIRST CAUSE FOR DISCIPLINE

2 (Conviction of a Crime)

3 11. Respondent is subject to discipline under Code section 2761, subdivision (f), in that
4 on or about May 6, 2011, in the case entitled *People v. Carol Jeanne Babcock*, (Shasta County
5 Superior Court, 2011, Case No. 11-01838), the court convicted Respondent on her plea of nolo
6 contendere of violating Vehicle Code section 23013.5 (reckless driving in lieu of Vehicle Code
7 section 23152, subdivision (a), driving under the influence of a drug or alcohol), a misdemeanor,
8 and a crime that is substantially related to the qualifications, functions or duties of a licensed
9 registered nurse. The circumstances of the crime are as follows:

10 12. Or about June 10, 2010, at approximately 9:58 p.m., Respondent presented to the
11 emergency room at Mercy Medical Center Redding after consuming a large quantity of Ativan in
12 excess of the amount prescribed to her. Respondent was treated for medication overdose and was
13 told not to drive. Respondent was released at approximately 2:35 a.m. on or about June 11, 2010,
14 and transferred to Shasta County Mental Health.

15 13. On or about June 11, 2010, at approximately 10:35 a.m., an officer from the Redding
16 Police Department was dispatched in response to an injury collision involving Respondent, who
17 struck a parked vehicle while driving. Respondent was taken to the emergency room at Mercy
18 Medical Center. The officer resumed questioning of Respondent at Mercy Medical Center, where
19 he observed objectives signs of Respondent being under the influence of medication, including
20 slow and slurred speech, and slightly dilated pupils. A blood sample was taken from Respondent,
21 which tested positive for the following dangerous drugs: Ativan, a controlled substance;
22 citalopram; and, escitalopram.

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2. Ordering Carol Jeanne Babcock to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,

3. Taking such other and further action as deemed necessary and proper.

DATED:

February 20, 2013

for Jamie Ben

LOUISE R. BAILEY, M.ED., R.N.
Executive Officer
Board of Registered Nursing
State of California
Complainant

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BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA.

In the Matter of the Accusation Against:

Carol Jeanne Babcock, RN
1515 Pleasant Street
Redding, CA 96001

Registered Nurse License No. 442853

Respondent

Case No. 2003-172 .

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as it's Decision in the above entitled matter.

This Decision shall become effective on February 6, 2005.

IT IS SO ORDERED January 6, 2005.

Sandra L. Erickson

President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 BILL LOCKYER, Attorney General
2 of the State of California
3 JANA L. TUTON, State Bar No. 78206
4 Deputy Attorney General
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11 Attorneys for Complainant

12 **BEFORE THE**
13 **BOARD OF REGISTERED NURSING**
14 **DEPARTMENT OF CONSUMER AFFAIRS**
15 **STATE OF CALIFORNIA**

16 In the Matter of the Accusation Against:

Case No. 2003-172

17 CAROL JEANNE BABCOCK
18 1515 Pleasant Street
19 Redding, CA 96001

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

20 Registered Nurse License No. 442853

21 Respondent.

22 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
23 above-entitled proceedings that the following matters are true:

24 PARTIES

25 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
26 the Board of Registered Nursing. She brought this action solely in her official capacity and is
27 represented in this matter by Bill Lockyer, Attorney General of the State of California, by Jana L.
28 Tuton, Deputy Attorney General.

2. CAROL JEANNE BABCOCK (Respondent) is representing herself in this
proceeding and has chosen not to exercise her right to be represented by counsel.

3. On or about August 31, 1989, the Board of Registered Nursing issued
Registered Nurse License No. 442853 to CAROL JEANNE BABCOCK (Respondent). The

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1 License was in full force and effect at all times relevant to the charges brought in Accusation No.
2 2003-172 and will expire on June 30, 2003, unless renewed.

3 JURISDICTION

4 4. Accusation No. 2003-172 was filed before the Board of Registered
5 Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent.
6 The Accusation and all other statutorily required documents were properly served on Respondent
7 on February 7, 2003. Respondent timely filed her Notice of Defense contesting the Accusation.
8 A copy of Accusation No. 2003-172 is attached as exhibit A and incorporated herein by
9 reference.

10 ADVISEMENT AND WAIVERS

11 5. Respondent has carefully read, and understands the charges and allegations
12 in Accusation No. 2003-172. Respondent has also carefully read, and understands the effects of
13 this Stipulated Settlement and Disciplinary Order.

14 6. Respondent is fully aware of her legal rights in this matter, including the
15 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
16 counsel at her own expense; the right to confront and cross-examine the witnesses against her;
17 the right to present evidence and to testify on her own behalf; the right to the issuance of
18 subpoenas to compel the attendance of witnesses and the production of documents; the right to
19 reconsideration and court review of an adverse decision; and all other rights accorded by the
20 California Administrative Procedure Act and other applicable laws.

21 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
22 each and every right set forth above.

23 CULPABILITY

24 8. Respondent admits the truth of each and every charge and allegation in
25 Accusation No. 2003-172.

26 9. Respondent agrees that her Registered Nurse License is subject to
27 discipline and she agrees to be bound by the Board's imposition of discipline as set forth in the
28 Disciplinary Order below.

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1 Respondent is placed on probation for three (3) years on the following terms and conditions.

2 **Severability Clause.** Each condition of probation contained herein is a separate
3 and distinct condition. If any condition of this Order, or any application thereof, is declared
4 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other
5 applications thereof, shall not be affected. Each condition of this Order shall separately be valid
6 and enforceable to the fullest extent permitted by law.

7 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws.
8 A full and detailed account of any and all violations of law shall be reported by Respondent to
9 the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of
10 compliance with this condition, Respondent shall submit completed fingerprint forms and
11 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted
12 as part of the licensure application process.

13 **Criminal Court Orders:** If Respondent is under criminal court orders, including
14 probation or parole, and the order is violated, this shall be deemed a violation of these probation
15 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

16 2. **Comply with the Board's Probation Program.** Respondent shall fully
17 comply with the conditions of the Probation Program established by the Board and cooperate
18 with representatives of the Board in its monitoring and investigation of the Respondent's
19 compliance with the Board's Probation Program. Respondent shall inform the Board in writing
20 within no more than 15 days of any address change and shall at all times maintain an active,
21 current license status with the Board, including during any period of suspension.

22 Upon successful completion of probation, Respondent's license shall be fully
23 restored.

24 3. **Report in Person.** Respondent, during the period of probation, shall
25 appear in person at interviews/meetings as directed by the Board or its designated
26 representatives.

27 4. **Residency, Practice, or Licensure Outside of State.** Periods of
28 residency or practice as a registered nurse outside of California shall not apply toward a reduction

1 of this probation time period. Respondent's probation is tolled, if and when she resides outside
2 of California. Respondent must provide written notice to the Board within 15 days of any change
3 of residency or practice outside the state, and within 30 days prior to re-establishing residency or
4 returning to practice in this state.

5 Respondent shall provide a list of all states and territories where she has ever been
6 licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further
7 provide information regarding the status of each license and any changes in such license status
8 during the term of probation. Respondent shall inform the Board if she applies for or obtains a
9 new nursing license during the term of probation.

10 5. **Submit Written Reports.** Respondent, during the period of probation,
11 shall submit or cause to be submitted such written reports/declarations and verification of actions
12 under penalty of perjury, as required by the Board. These reports/declarations shall contain
13 statements relative to Respondent's compliance with all the conditions of the Board's Probation
14 Program. Respondent shall immediately execute all release of information forms as may be
15 required by the Board or its representatives.

16 Respondent shall provide a copy of this Decision to the nursing regulatory agency
17 in every state and territory in which she has a registered nurse license.

18 6. **Function as a Registered Nurse.** Respondent, during the period of
19 probation, shall engage in the practice of registered nursing in California for a minimum of 24
20 hours per week for 6 consecutive months or as determined by the Board.

21 For purposes of compliance with the section, "engage in the practice of registered
22 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or
23 work in any non-direct patient care position that requires licensure as a registered nurse.

24 The Board may require that advanced practice nurses engage in advanced practice
25 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the
26 Board.

27 If Respondent has not complied with this condition during the probationary term,
28 and Respondent has presented sufficient documentation of her good faith efforts to comply with

1 this condition, and if no other conditions have been violated, the Board, in its discretion, may
2 grant an extension of Respondent's probation period up to one year without further hearing in
3 order to comply with this condition. During the one year extension, all original conditions of
4 probation shall apply.

5 **7. Employment Approval and Reporting Requirements.** Respondent
6 shall obtain prior approval from the Board before commencing or continuing any employment,
7 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
8 performance evaluations and other employment related reports as a registered nurse upon request
9 of the Board.

10 Respondent shall provide a copy of this Decision to her employer and immediate
11 supervisors prior to commencement of any nursing or other health care related employment.

12 In addition to the above, Respondent shall notify the Board in writing within
13 seventy-two (72) hours after she obtains any nursing or other health care related employment.
14 Respondent shall notify the Board in writing within seventy-two (72) hours after she is
15 terminated or separated, regardless of cause, from any nursing, or other health care related
16 employment with a full explanation of the circumstances surrounding the termination or
17 separation.

18 **8. Supervision.** Respondent shall obtain prior approval from the Board
19 regarding Respondent's level of supervision and/or collaboration before commencing or
20 continuing any employment as a registered nurse, or education and training that includes patient
21 care.

22 Respondent shall practice only under the direct supervision of a registered nurse
23 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative
24 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)
25 are approved.

26 Respondent's level of supervision and/or collaboration may include, but is not
27 limited to the following:

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1 (a) Maximum - The individual providing supervision and/or collaboration is
2 present in the patient care area or in any other work setting at all times.

3 (b) Moderate - The individual providing supervision and/or collaboration is in
4 the patient care unit or in any other work setting at least half the hours Respondent works.

5 (c) Minimum - The individual providing supervision and/or collaboration has
6 person-to-person communication with Respondent at least twice during each shift worked.

7 (d) Home Health Care - If Respondent is approved to work in the home health
8 care setting, the individual providing supervision and/or collaboration shall have person-to-
9 person communication with Respondent as required by the Board each work day. Respondent
10 shall maintain telephone or other telecommunication contact with the individual providing
11 supervision and/or collaboration as required by the Board during each work day. The individual
12 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-
13 site visits to patients' homes visited by Respondent with or without Respondent present.

14 9. **Employment Limitations.** Respondent shall not work for a nurse's
15 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a
16 traveling nurse, or for an in-house nursing pool.

17 Respondent shall not work for a licensed home health agency as a visiting nurse
18 unless the registered nursing supervision and other protections for home visits have been
19 approved by the Board. Respondent shall not work in any other registered nursing occupation
20 where home visits are required.

21 Respondent shall not work in any health care setting as a supervisor of registered
22 nurses. The Board may additionally restrict Respondent from supervising licensed vocational
23 nurses and/or unlicensed assistive personnel on a case-by-case basis.

24 Respondent shall not work as a faculty member in an approved school of nursing
25 or as an instructor in a Board approved continuing education program.

26 Respondent shall work only on a regularly assigned, identified and predetermined
27 worksite(s) and shall not work in a float capacity.

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1 If Respondent is working or intends to work in excess of 40 hours per week, the
2 Board may request documentation to determine whether there should be restrictions on the hours
3 of work.

4 10. **Complete a Nursing Course(s).** Respondent, at her own expense, shall
5 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later
6 than six months prior to the end of her probationary term.

7 Respondent shall obtain prior approval from the Board before enrolling in the
8 course(s). Respondent shall submit to the Board the original transcripts or certificates of
9 completion for the above required course(s). The Board shall return the original documents to
10 Respondent after photocopying them for its records.

11 11. **Violation of Probation.** If Respondent violates the conditions of her
12 probation, the Board after giving Respondent notice and an opportunity to be heard, may set
13 aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's
14 license.

15 If during the period of probation, an accusation or petition to revoke probation has
16 been filed against Respondent's license or the Attorney General's Office has been requested to
17 prepare an accusation or petition to revoke probation against Respondent's license, the
18 probationary period shall automatically be extended and shall not expire until the accusation or
19 petition has been acted upon by the Board.

20 12. **License Surrender.** During Respondent's term of probation, if she ceases
21 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of
22 probation, Respondent may surrender her license to the Board. The Board reserves the right to
23 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to
24 take any other action deemed appropriate and reasonable under the circumstances, without
25 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent
26 will no longer be subject to the conditions of probation.

27 Surrender of Respondent's license shall be considered a disciplinary action and
28 shall become a part of Respondent's license history with the Board. A registered nurse whose

1 license has been surrendered may petition the Board for reinstatement no sooner than the
2 following minimum periods from the effective date of the disciplinary decision:

3 (1) Two years for reinstatement of a license that was surrendered for any
4 reason other than a mental or physical illness; or

5 (2) One year for a license surrendered for a mental or physical illness.

6 13. **Physical Examination.** Within 45 days of the effective date of this
7 Decision, Respondent, at her expense, shall have a licensed physician, nurse practitioner, or
8 physician assistant, who is approved by the Board before the assessment is performed, submit an
9 assessment of the Respondent's physical condition and capability to perform the duties of a
10 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If
11 medically determined, a recommended treatment program will be instituted and followed by the
12 Respondent with the physician, nurse practitioner, or physician assistant providing written
13 reports to the Board on forms provided by the Board.

14 If Respondent is determined to be unable to practice safely as a registered nurse,
15 the licensed physician, nurse practitioner, or physician assistant making this determination shall
16 immediately notify the Board and Respondent by telephone, and the Board shall request that the
17 Attorney General's office prepare an accusation or petition to revoke probation. Respondent
18 shall immediately cease practice and shall not resume practice until notified by the Board.
19 During this period of suspension, Respondent shall not engage in any practice for which a license
20 issued by the Board is required until the Board has notified Respondent that a medical
21 determination permits Respondent to resume practice. This period of suspension will not apply
22 to the reduction of this probationary time period.

23 If Respondent fails to have the above assessment submitted to the Board within
24 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
25 practice until notified by the Board. This period of suspension will not apply to the reduction of
26 this probationary time period. The Board may waive or postpone this suspension only if
27 significant, documented evidence of mitigation is provided. Such evidence must establish good

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1 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be
2 provided. Only one such waiver or extension may be permitted.

3 **14. Participate in Treatment/Rehabilitation Program for Chemical**
4 **Dependence.** Respondent, at her expense, shall successfully complete during the probationary
5 period or shall have successfully completed prior to commencement of probation a Board-
6 approved treatment/rehabilitation program of at least six months duration. As required, reports
7 shall be submitted by the program on forms provided by the Board. If Respondent has not
8 completed a Board-approved treatment/rehabilitation program prior to commencement of
9 probation, Respondent, within 45 days from the effective date of the decision, shall be enrolled in
10 a program. If a program is not successfully completed within the first nine months of probation,
11 the Board shall consider Respondent in violation of probation.

12 Based on Board recommendation, each week Respondent shall be required to
13 attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics
14 Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed
15 by the Board. If a nurse support group is not available, an additional 12-step meeting or
16 equivalent shall be added. Respondent shall submit dated and signed documentation confirming
17 such attendance to the Board during the entire period of probation. Respondent shall continue
18 with the recovery plan recommended by the treatment/rehabilitation program or a licensed
19 mental health examiner and/or other ongoing recovery groups.

20 **15. Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent
21 shall completely abstain from the possession, injection or consumption by any route of all
22 psychotropic (mood altering) drugs, including alcohol, except when the same are ordered by a
23 health care professional legally authorized to do so as part of documented medical treatment.
24 Respondent shall have sent to the Board, in writing and within fourteen (14) days, by the
25 prescribing health professional, a report identifying the medication, dosage, the date the
26 medication was prescribed, the Respondent's prognosis, the date the medication will no longer
27 be required, and the effect on the recovery plan, if appropriate.

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Respondent shall identify for the Board a single physician, nurse practitioner or physician assistant who shall be aware of Respondent's history of substance abuse and will coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report to the Board on a quarterly basis Respondent's compliance with this condition. If any substances considered addictive have been prescribed, the report shall identify a program for the time limited use of any such substances.

The Board may require the single coordinating physician, nurse practitioner, or physician assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive medicine.

16. **Submit to Tests and Samples.** Respondent, at her expense, shall participate in a random, biological fluid testing or a drug screening program which the Board approves. The length of time and frequency will be subject to approval by the Board. Respondent is responsible for keeping the Board informed of Respondent's current telephone number at all times. Respondent shall also ensure that messages may be left at the telephone number when she is not available and ensure that reports are submitted directly by the testing agency to the Board, as directed. Any confirmed positive finding shall be reported immediately to the Board by the program and Respondent shall be considered in violation of probation.

In addition, Respondent, at any time during the period of probation, shall fully cooperate with the Board or any of its representatives, and shall, when requested, submit to such tests and samples as the Board or its representatives may require for the detection of alcohol, narcotics, hypnotics, dangerous drugs, or other controlled substances.

If Respondent has a positive drug screen for any substance not legally authorized and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board files a petition to revoke probation or an accusation, the Board may suspend Respondent from practice pending the final decision on the petition to revoke probation or the accusation. This period of suspension will not apply to the reduction of this probationary time period.

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1 If Respondent fails to participate in a random, biological fluid testing or drug
2 screening program within the specified time frame, Respondent shall immediately cease practice
3 and shall not resume practice until notified by the Board. After taking into account documented
4 evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the
5 Board may suspend Respondent from practice pending the final decision on the petition to
6 revoke probation or the accusation. This period of suspension will not apply to the reduction of
7 this probationary time period.

8 17. **Mental Health Examination.** Respondent shall, within 45 days of the
9 effective date of this Decision, have a mental health examination including psychological testing
10 as appropriate to determine her capability to perform the duties of a registered nurse. The
11 examination will be performed by a psychiatrist, psychologist or other licensed mental health
12 practitioner approved by the Board. The examining mental health practitioner will submit a
13 written report of that assessment and recommendations to the Board. All costs are the
14 responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a
15 result of the mental health examination will be instituted and followed by Respondent.

16 If Respondent is determined to be unable to practice safely as a registered nurse,
17 the licensed mental health care practitioner making this determination shall immediately notify
18 the Board and Respondent by telephone, and the Board shall request that the Attorney General's
19 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease
20 practice and may not resume practice until notified by the Board. During this period of
21 suspension, Respondent shall not engage in any practice for which a license issued by the Board
22 is required, until the Board has notified Respondent that a mental health determination permits
23 Respondent to resume practice. This period of suspension will not apply to the reduction of this
24 probationary time period.


25 If Respondent fails to have the above assessment submitted to the Board within
26 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
27 practice until notified by the Board. This period of suspension will not apply to the reduction of
28 this probationary time period. The Board may waive or postpone this suspension only if

1 significant, documented evidence of mitigation is provided. Such evidence must establish good
2 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be
3 provided. Only one such waiver or extension may be permitted.

4 ACCEPTANCE

5 I have carefully read the Stipulated Settlement and Disciplinary Order. I
6 understand the stipulation and the effect it will have on my Registered Nurse License. I enter
7 into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently,
8 and agree to be bound by the Decision and Order of the Board of Registered Nursing.

9 DATED: May 31, 2004

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11 
12 CAROL JEANNE BABCOCK
13 Respondent

14 ENDORSEMENT

15 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
16 submitted for consideration by the Board of Registered Nursing of the Department of Consumer
17 Affairs.

18 DATED: June 22, 2004

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20 BILL LOCKYER, Attorney General
21 of the State of California

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23 JANA L. TUTON
24 Deputy Attorney General

25 Attorneys for Complainant
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JLT:djd
rev. 05-10-04

Exhibit A

BILL LOCKYER, Attorney General
of the State of California
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California Department of Justice
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Attorneys for Complainant

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

CAROL JEANNE BABCOCK
1515 Pleasant Street
Redding, CA 96001
Registered Nurse License No. 442853

Case No. 2003-172

ACCUSATION

Respondent.

Complainant alleges:

PARTIES

1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation solely in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.

2. On or about August 31, 1989, the Board of Registered Nursing ("Board") issued Registered Nurse License Number 442853 to Carol Jeanne Babcock (hereinafter "Respondent"). The license will expire on June 30, 2003, unless renewed.

STATUTORY PROVISIONS

3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

1 4. Section 2811(b) of the Code provides, in pertinent part, that the Board may
2 renew an expired license at any time within eight years after the expiration.

3 5. Section 2764 of the Code provides, in pertinent part, that the expiration of
4 a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
5 against the licensee or to render a decision imposing discipline on the license.

6 6. Section 2761 of the Code provides:

7 "The board may take disciplinary action against a certified or licensed
8 nurse or deny an application for a certificate or license for any of the following:

9 "(a) Unprofessional conduct . . ."

10 7. Section 2762 of the Code provides:

11 "In addition to other acts constituting unprofessional conduct within the
12 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person
13 licensed under this chapter to do any of the following:

14 "(a) Obtain or possess in violation of law, or prescribe, or except
15 as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or
16 herself, or furnish or administer to another, any controlled substance as defined in Division 10
17 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or
18 dangerous device as defined in Section 4022.

19 "(b) Use any controlled substance as defined in Division 10
20 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or
21 dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner
22 dangerous or injurious to himself or herself, any other person, or the public or to the extent that
23 such use impairs his or her ability to conduct with safety to the public the practice authorized by
24 his or her license."

25 8. Health and Safety Code section 11350(a) provides, in pertinent part, that
26 except as otherwise provided in this division, every person who possesses (1) any controlled
27 substance specified in subdivision (b) or (c), or paragraph (1) of subdivision (f) of Section 11054,
28 specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or specified in

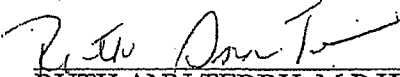
1 nurse at Canyonwood Nursing and Rehabilitation Center, located in Redding, California,
2 Respondent used morphine to such an extent or in such a manner as to be dangerous or injurious
3 to herself, another person, or the public, or to the extent that such usage impaired her ability to
4 conduct with safety to the public the practice of nursing.

5 **PRAYER**

6 **WHEREFORE**, Complainant requests that a hearing be held on the matters
7 herein alleged, and that following the hearing the Board issue a decision:

- 8 1. Revoking or suspending Registered Nurse License Number 442853 issued
9 to Carol Jeanne Babcock;
- 10 2. Ordering Carol Jeanne Babcock to pay the reasonable costs incurred by the
11 Board in the investigation and enforcement of this case pursuant to section 125.3 of the Code;
- 12 3. Taking such other and further action as deemed necessary and proper.

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14 **DATED:** 1/27/03

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18 RUTH ANN TERRY, M.P.H., R.N.
19 Executive Officer
20 Board of Registered Nursing
21 Department of Consumer Affairs
22 State of California
23 Complainant
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